

**441.052 Insurance coverage of prisoner -- Subrogation of rights to Department of Corrections' contractee for medical and pharmaceutical services.**

- (1) When a unit of local government or regional jail authority facilitates medical care for a prisoner confined in the jail, holdover, or regional jail who has not been convicted as a felon and who holds a policy, contract, or certificate of insurance coverage in any form, the insurer shall be primary for payment of medically necessary health care benefit claims provided the following conditions are met:
  - (a) The reimbursement shall be for medical, dental, or psychological claims that are covered benefits under the terms and conditions of the health benefit plan held by the prisoner;
  - (b) The reimbursement shall be applied under the terms and conditions of the health benefit plan and in the same manner as though the insured were not a prisoner; and
  - (c) All premiums for the health benefit plan are current.
- (2) If the unit of local government, combination of units of local government, or regional jail authority has contracted with the Department of Corrections under the Department of Corrections' contract for medical, dental, or psychological care access, or drugs, medicines, or pharmaceutical services, then the rights of the local government, combination of local governments, or regional jail authority shall be subrogated to the contract provider of such services to the Department of Corrections.
- (3) If the unit of local government, combination of units of local government, or regional jail authority has, with the approval of the Department of Corrections, contracted with another pharmaceutical services provider, then the rights of the local government, combination of local governments, or regional jail authority shall be subrogated to the contract provider of medical, dental, or psychological care to the local jail for access to drugs, medicines, or pharmaceutical services to the unit of local government, combination of units of local government, or regional jail authority.
- (4) If a prisoner has been transferred from a local jail, regional jail, or holdover to the Department of Corrections for medical care pursuant to KRS 441.560, then the contract provider of drugs and pharmaceutical services or the contract provider of medical, dental, or psychological care shall be subrogated to the provider of such services to the Department of Corrections.

**Effective:** June 26, 2007

**History:** Created 2007 Ky. Acts ch. 128, sec. 3, effective June 26, 2007.